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| 10/591,370  | 09/01/2006  | Kenichi Ishii          | P/1929-102          | 8112             |
| 2352 7590 09/08/2011<br>OSTROLENK FABER LLP<br>1180 AVENUE OF THE AMERICAS<br>NEW YORK, NY 10036-8403 |             |                        |                     |                  |
| EXAMINER<br>DONADO, FRANK E   |             |                        |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/591,370

**Applicant(s)**

ISHII ET AL.

**Examiner**

FRANK DONADO

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1,5,6,10-13,40-45,47-49,51,54-58,71-74 and 111 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1,5,6,10-13,40-45,47-49,51,54-58,71-74 and 111 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-344)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/30/2011
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/12/11 has been entered.

### ***Response to Amendment***

2. The amendment filed on 8/12/11 has been entered. Claims 2-4, 7-9, 14-39, 46, 50, 52-53, 59-70 and 75-110 have been cancelled. Claims 1 and 71 have been amended. Claim 111 has been added. Claims 1, 5, 6, 10-13, 40-45, 47-49, 51, 54-58, 71-74, and 111 are currently pending in this application, with claims 1, 71, and 111 being independent.

### ***Information Disclosure Statement***

The information disclosure statement submitted on June 30, 2011 has been considered by the Examiner and made of record in the application file.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 \ USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 6, 10-13, 40, 48, 49, 54-57, and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin (**US Patent No. 7,006,768**), in view of Simons, et al (**US PG Publication 2006/0015503**), and further in view of Duffet-Smith, et al (**US PG Publication 2003/0220117**). From now on, Simons, et al, will be referred to as Simons, and Duffet-Smith, et al, will be referred to as Duffet-Smith.

Regarding claim 1, Franklin teaches a positioning system and method for

detecting the position of a terminal, comprising: an illumination device configured to transmit a signal including a unique information from a given installation position; a terminal communicably connected to the illumination device and configured to extract the unique information from the signal transmitted from the illumination device (**A lamp assembly transmits a serial number from its installation position, where said serial number is extracted by a pager, Column 11, lines 22-36**); and a position estimation device communicably connected to the terminal and receiving the unique information from the terminal, the position estimation device being configured to estimate a position of the terminal, said illumination installation position information including the unique information (**Said serial number is transmitted from said pager and received by a base station that makes said position determination, Column 11, lines 33-36**); said terminal position is based on an illumination installation position information and the unique information received by the terminal, said illumination information includes a position information indicating the installation position of the illumination device in association with each other (**Said serial number is used to determine the position of said terminal in relation to said installation position of lamp assembly, Column 11, lines 22-36**), and, wherein the position estimation device is configured to: read out from the illumination installation position information the position information corresponding to the unique information based on one or more unique information extracted by the terminal and estimate the position of the terminal based on the read out position information (**Said base station knows said position from said serial number received from said pager, Column 11, lines 33-36**).

Franklin does not teach said position information is read out within a past predetermined time period; and the position estimation device is configured to add a weighting value to one or more unique information received by the terminal within a past predetermined time based on the reception time of the respective unique information; and estimate the position of the terminal based on unique information selected based on a result of the addition. Simons teaches said position information is read out within a past predetermined time period **(The location of a portable device is determined, where said determination is scheduled in a predetermined manner on an hourly, daily or other basis based on a predetermined time period, Abstract, lines 1-6, Paragraph 37 and Figure 4)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin to include these features for the benefit of added security and service variety. Franklin in view of Simons does not teach that the position estimation device is configured to add a weighting value to one or more unique information received by the terminal within a past predetermined time based on the reception time of the respective unique information; and estimate the position of the terminal based on unique information selected based on a result of the addition. Duffett-Smith teaches the position estimation device is configured to add a weighting value to one or more unique information received by the terminal within a past predetermined time based on the reception time of the respective unique information; and estimate the position of the terminal based on unique information selected based on a result of the addition **(Measurements made by a mobile receiver are given weight in determining the location of said mobile receiver, where said weight is based on**

**time of arrival of transmissions received from light sources, Abstract, Paragraph 24, lines 6-13 and Paragraph 26).** It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, to include this feature for the benefit of accuracy.

Regarding claim 6, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the positioning system according to claim 1. Simons further teaches said estimation based on most frequently received unique information among one or more unique information received by the terminal within a past predetermined time period **(A request is made to acquire locations of said portable device within the past hour, day or other basis based on a predetermined time period, and said location corresponding to said particular terminal is generated, Paragraph 40, Paragraph 37 and Figure 4);**

Regarding claim 10, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the limitations of claim 1. Franklin further teaches the illumination device comprises a light emission unit for emitting an illumination light and a transmission unit for transmitting the unique information, the transmission unit comprises a white LED for emitting a visible light signal, and the white LED is configured to transmit the unique information on the visible light signal **(Said lamp assemblies perform said transmission of serial numbers through visible light communication, Column 4, lines 20-24 and Column 7, lines 19-24).**

Regarding claim 11, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the limitations of claim 1, respectively. Franklin further teaches the

illumination device comprises a light emission unit for emitting an illumination light and a transmission unit for transmitting the unique information the transmission unit comprises an infrared LED for emitting an infrared ray signal, and the infrared LED is configured to transmit the unique information on the infrared ray signal **(Said lamp assemblies perform said transmission of serial numbers through infrared communication, Column 4, lines 20-24 and Column 7, lines 19-24).**

Regarding claim 12, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the limitations of claim 1, respectively. Franklin further teaches an illumination device comprises a light emission unit for emitting an illumination light and a transmission unit for transmitting the unique information; the transmission unit comprises a wireless communication unit for transmitting a radio signal, and the wireless communication unit is configured to transmit said unique information on the radio signal **(Said lamp assembly transmits said serial number from said installation position, where said serial number is extracted by said pager, said serial number is transmitted from said pager and received by said base station that makes said position determination, Column 11, lines 22-36).**

Regarding claim 13, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the positioning system according to claim 1, respectively. Simons further teaches the transmission unit is configured to transmit the unique information to the terminal at random timing **(Said location information may be determined in a non-predetermined manner or in a controlled manner through said collation, Paragraph 37, lines 1-6).**



Regarding claim 40, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the positioning system according to claim 1. Franklin further teaches the illumination installation position information is configured to be created by associating the unique information collected by the terminal and installation position of the illumination device with each other **(Said serial number is used to determine the position of said terminal in relation to said installation position of lamp assembly, Column 11, lines 22-36).**

Regarding claims 48, 49, and 54-57, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the positioning system according to claim 1. Simons further teaches the positioning system is configured to store, as the attribute information of the terminal, a name of a department to which a user terminal belongs **(A location identifier and an identifier of said portable device/terminal are stored and additional text information desired in association with said location and terminal identifiers, including store names, Paragraphs 38 and 41);** the positioning system is configured to: identify a user terminal in response to a position information request concerning a user of the terminal, acquire the position information of the identified terminal and select one terminal in order of priority set for the respective terminals to acquire the position information thereof, in the case where a plurality of the user terminals exist, and said priority is configured to be determined based on the type of the terminal **(A request is made for said location information for a particular portable device when a plurality of said portable devices exist, and said location corresponding to said particular terminal is generated immediately, Paragraph 40,**

**Paragraph 37, lines 1-3 and Figures 4 and 5);** the priority is configured to be determined such that the position information of the terminal using a wireless LAN has a higher priority **(Said terminal for which location is found immediately is located in a wireless LAN, Paragraph 9, lines 6-8 and Paragraph 28, lines 4-12);** the priority is configured to be determined based on presence/absence of a response from the terminal **(A request is made to acquire the location of said portable devices that generates a record of the presence/absence of said portable device at their locations, where said record is generated immediately, Paragraph 40, Paragraph 37, lines 1-3 and Figure 5).**

Regarding claim 111, Franklin teaches a positioning system for detecting the position of a terminal, comprising: an illumination device configured to transmit a signal including a unique information from a given installation position; a terminal communicably connected to the illumination device and configured to extract the unique information from the signal transmitted from the illumination device **(A lamp assembly transmits a serial number from its installation position, where said serial number is extracted by a pager, Column 11, lines 22-36);** and a position estimation device communicably connected to the terminal and receiving the unique information from the terminal, the position estimation device being configured to estimate a position of the terminal based on an illumination installation position information and the unique information received by the terminal **(Said serial number is transmitted from said pager and received by a base station that makes said position determination, Column 11, lines 33-36),** said illumination installation position information including the

unique information and a position information indicating the installation position of the illumination device in association with each other **(Said serial number is used to determine the position of said terminal in relation to said installation position of lamp assembly, Column 11, lines 22-36)**, wherein the position estimation device is configured to: read out from the illumination installation position information the position information corresponding to the unique information based on one or more unique information extracted by the terminal **(Said base station knows said position from said serial number received from said pager, Column 11, lines 33-36)**. Franklin does not teach said position information is read out within a past predetermined time period; the position estimation device is configured to increase the weighting value as the reception time becomes newer; select unique information having the largest value resulting from the addition; and estimate the position of the terminal based on the selected unique information. Simons teaches said position information is read out within a past predetermined time period **(The location of a portable device is determined, where said determination is scheduled in a predetermined manner on an hourly, daily or other basis based on a predetermined time period, Abstract, lines 1-6, Paragraph 37 and Figure 4)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin to include these features for the benefit of added security and service variety. Duffet-Smith teaches the position estimation device is configured to increase the weighting value as the reception time becomes newer; select unique information having the largest value resulting from the addition; and estimate the position of the terminal based on the

selected unique information (**Time information signals received by a mobile device are given weight in determining the location of said mobile device, where a highest weight is given to the newest signal in determining said location, Paragraph 52, lines 9-13, Paragraphs 53-54 and Paragraph 55, lines 1-3**). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, to include this feature for the benefit of accuracy.

7. Claims 5, 47, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin, in view of Simons, and further in view of Duffet-Smith as applied to claim 1 above, and further in view of Tallman, et al (**US Patent No. 6,175,308**). From now on, Tallman, et al, will be referred to as Tallman.

Regarding claim 5, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the positioning system according to claim 1. Franklin, in view of Simons, and further in view of Duffet-Smith, does not teach the position estimation device is configured to estimate the position of the terminal based on the unique information received by the terminal most recently. Tallman teaches the position estimation device is configured to estimate the position of the terminal based on the unique information received by the terminal most recently (**A current location and the most recent/previously received location of local transmitters are estimated, along with an identity of a person corresponding to said reader, Column 9, lines 41-52,**

**Column 3, lines 10-15 and Figure 9).** It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, and further in view of Duffet-Smith, to include this feature for the benefit of security.

Regarding claim 47, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the positioning system according to claim 1. Franklin, in view of Simons, and further in view of Duffet-Smith, does not teach the positioning system is configured to display acquired terminal position information and to reacquire terminal position information depending on the accuracy of acquired terminal position information. Tallman teaches the positioning system is configured to display acquired terminal position information and to reacquire terminal position information depending on the accuracy of acquired terminal position information **(While indoors, said location of said reader is continually updated to ensure accuracy. Said transmitters are placed at fixed locations throughout said indoor area. Signals transmitted by said transmitters are received by said reader and used to determine location of said reader. The current location and the most recent/previously received location of local transmitters are displayed, along with an identity of a person corresponding to said reader , Column 9, lines 4-13, 17-20 and 41-52 and Figure 9).** It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, and further in view of Duffet-Smith, to include this feature for the benefit of accuracy.

Regarding claim 58, Franklin, in view of Simons, and further in view of Duffet-

Smith, teaches the positioning system according to claim 1. Franklin, in view of Simons, and further in view of Duffet-Smith, does not teach the priority is configured to be determined based on the use state of the terminal. Tallman teaches the priority is configured to be determined based on the use state of the terminal **(A current location and the most recent/previously received location of local transmitters, most recent use of person corresponding to a reader, are determined, Column 9, lines 41-52, Column 3, lines 10-15 and Figure 9)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, and further in view of Duffet-Smith, to include this feature for the benefit of security.

8. Claims 41, 43-45, 71, 73, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin, in view of Simons, and further in view of Duffet-Smith as applied to claim 1 above, and further in view of Irvin **(US Patent No. 6,768,909)**.

Regarding claims 41 and 43-45, Franklin, in view of Simons, and further in view of Duffet-Smith, teaches the positioning system according to claim 1. Franklin, in view of Simons, and further in view of Duffet-Smith, does not teach the positioning system further comprises a second positioning system; and the positioning system and second positioning system can be operated in a switchable manner; the positioning system is configured to identify the position of the terminal by using the unique information that the illumination device transmits, in the case where requested terminal position

information is logical position information; the positioning system is configured to identify the position of the terminal by using the second positioning system, in the case where the positioning system could not identify the position of the terminal by using the unique information; the positioning system is configured to determine whether to identify the position of the terminal by using the unique information or by using the second positioning system, based on the type of the requested terminal position information. Irvin teaches the positioning system further comprises a second positioning system (**A mobile station comprises an internal and external positioning system, where said internal positioning system works indoors, and said external positioning system works outdoors, Column 3, lines 35-40**) and the positioning system and second positioning system can be operated in a switchable manner (**Said internal positioning method is employed whenever said external positioning method is not used and vice-versa, Abstract, lines 6-20**); the positioning system is configured to identify the position of the terminal by using the unique information that the illumination device transmits, in the case where requested terminal position information is logical position information (**Said internal/indoor positioning method is employed whenever said external/outdoor positioning method is not used and vice-versa, Abstract, lines 6-20**); the positioning system is configured to identify the position of the terminal by using the second positioning system, in the case where the positioning system could not identify the position of the terminal by using the unique information (**Said external/outdoor positioning method is employed whenever said internal/indoor positioning method is not used, Abstract, lines 6-20**); the positioning system is

configured to determine whether to identify the position of the terminal by using the unique information or by using the second positioning system, based on the type of the requested terminal position information **(Said internal/indoor positioning method is employed whenever said external/outdoor positioning method is not used and vice-versa, Abstract, lines 6-20)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, and further in view of Duffet-Smith, to include this feature for the benefit of service variety and added security.

Regarding claim 71, Franklin teaches a positioning method of a positioning system for detecting the position of a terminal, the positioning system comprising: an illumination device configured to transmit a signal including a unique information from a given installation position; a terminal communicably connected to the illumination device and configured to extract the unique information from the signal transmitted from the illumination device **(A lamp assembly transmits a serial number from its installation position, where said serial number is extracted by a pager, Column 11, lines 22-36)**; and a position estimation device communicably connected to the terminal and receiving the unique information from the terminal, the position estimation device being configured to estimate a position of the terminal based on an illumination installation position information and the unique information received by the terminal **(Said serial number is transmitted from said pager and received by a base station that makes said position determination, Column 11, lines 33-36)**, said illumination installation position information including the unique information and a position information



indicating the installation position of the illumination device in association with each other (**Said serial number is used to determine the position of said terminal in relation to said installation position of lamp assembly, Column 11, lines 22-36**), the positioning method comprising: reading out from the illumination installation position information the position information corresponding to the unique information based on one or more unique information extracted by the terminal by using the position estimation device, estimating the position of the terminal based on the read out position information by using the position estimation device (**Said base station knows said position from said serial number received from said pager, Column 11, lines 33-36**). Franklin does not teach said position information is read out within a past predetermined time period; and the positioning method comprising: adding a weighting value to one or more unique information received by the terminal within a past predetermined time based on the reception time of the respective unique information, estimating the position of the terminal based on unique information selected based on a result of the addition; and identifying, in the case where position detection processing can be switched between the positioning system and a second positioning system and where a terminal position information request is logical position information, the position of the terminal by using the unique information that the illumination device transmits. Simons teaches said position information is read out within a past predetermined time period (**The location of a portable device is determined, where said determination is scheduled in a predetermined manner on an hourly, daily or other basis based on a predetermined time period, Abstract, lines 1-6, Paragraph 37 and Figure 4**). It

would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin to include these features for the benefit of added security and service variety. Franklin in view of Simons does not teach that the positioning method comprising: adding a weighting value to one or more unique information received by the terminal within a past predetermined time based on the reception time of the respective unique information, estimating the position of the terminal based on unique information selected based on a result of the addition; and identifying, in the case where position detection processing can be switched between the positioning system and a second positioning system and where a terminal position information request is logical position information, the position of the terminal by using the unique information that the illumination device transmits. Duffet-Smith teaches the positioning method comprising: adding a weighting value to one or more unique information received by the terminal within a past predetermined time based on the reception time of the respective unique information, estimating the position of the terminal based on unique information selected based on a result of the addition

**(Measurements made by a mobile receiver are given weight in determining the location of said mobile receiver, where said weight is based on time of arrival of transmissions received from light sources, Abstract, Paragraph 24, lines 6-13 and Paragraph 26).** It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, to include this feature for the benefit of accuracy. Franklin in view of Simons and Duffet-Smith does not teach that the positioning method comprising: identifying, in the case where position

detection processing can be switched between the positioning system and a second positioning system and where a terminal position information request is logical position information, the position of the terminal by using the unique information that the illumination device transmits. Irvin teaches identifying, in the case where position detection processing can be switched between the positioning system and a second positioning system and where a terminal position information request is logical position information, the position of the terminal by using the unique information that the illumination device transmits (**A mobile station comprises an internal and external positioning system, where said internal positioning system works indoors, and said external positioning system works outdoors, said internal positioning method is employed whenever said external positioning method is not used and vice-versa, Column 3, lines 35-40, Abstract, lines 6-20**). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, and further in view of Duffet-Smith, to include this feature for the benefit of service variety and added security.

Regarding claim 73, Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Irvin, teaches the positioning method according to claim 71. Irvin further teaches identifying, in the case where the position of the terminal could not be identified by using the unique information, the position of the terminal by using the second positioning system (**Said external/outdoor positioning method is employed whenever said internal/indoor positioning method is not used, Abstract, lines 6-20**).

Regarding claim 74, Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Irvin, teaches the positioning method according to claim 71. Irvin further teaches determining whether to identify the position of the terminal using the unique information or using the second positioning system based on the type of the requested position information **(Said internal/indoor positioning method is employed whenever said external/outdoor positioning method is not used and vice-versa, Abstract, lines 6-20)**.

9. Claims 42 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Irvin as applied to claims 41 and 71 above, and further in view of Schmidt **(US Patent No. 6,995,708)**.

Regarding claim 42, Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Irvin, teaches the positioning system according to claim 41. Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Irvin, does not teach the second positioning system is a positioning system using a wireless LAN. Schmidt teaches the second positioning system is a positioning system using a wireless LAN **(A combined satellite/WLAN system locates a mobile terminal within either system, where said system includes a first and second positioning system to determine said location, depending on which of the said networks said**

**mobile terminal is located, Abstract, Column 4, lines 8-12 and 27-39 and Claim 8).**

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Irvin to include this feature for the benefit of service variety.

Regarding claim 72, Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Irvin, teaches the positioning method according to claim 71. Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Irvin, does not teach a positioning method carried out by the second positioning system is a positioning method using a wireless LAN. Schmidt teaches a positioning method carried out by the second positioning system is a positioning method using a wireless LAN **(A combined satellite/WLAN system locates a mobile terminal within either system, where said system includes a first and second positioning system to determine said location, depending on which of the said networks said mobile terminal is located, Abstract, Column 4, lines 8-12 and 27-39 and Claim 8).** It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Irvin to include this feature for the benefit of service variety.

10. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Tallman as applied to claim 47 above, and further in view of Dowling, et al **(US Patent No.**

**7,309,965**). From now on, Dowling, et al, will be referred to as Dowling.

Regarding claim 51, Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Tallman, teaches the positioning system according to claim 47.

Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Tallman, does not teach the positioning system is configured to display the terminal position information corresponding to a specified display condition and to specify, as the display condition, information of floors in which the terminal exists. Dowling teaches the positioning system is configured to display the terminal position information corresponding to a specified display condition and to specify, as the display condition, information of floors in which the terminal exists **(Floors on which a terminal exists are displayed, Column 8, lines 43-50, Column 23, lines 43-57 and Figure 9)**; It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Franklin, in view of Simons, and further in view of Duffet-Smith, and further in view of Tallman, to include these features for the benefit of good customer service, service variety and security.

### ***Response to Arguments***

12. Applicant's arguments, filed 8/12/11, with respect to the 35 USC 103 rejection of claims 7 and 8, have been fully considered and are persuasive. Therefore, the rejections of claims 7 and 8 have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the above references.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK DONADO whose telephone number is (571) 270-5361. The examiner can normally be reached Monday-Friday, 9:30 am-6 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6361.

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